

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROBERT CLAXTON BARLOW,

Plaintiff,

VS.

THE STANDARD FIRE INSURANCE
COMPANY,

Defendant.

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CAUSE NO. _____

NOTICE OF REMOVAL

Defendant, The Standard Fire Insurance Company (“Standard”), while fully reserving all defenses and rights, including, but not limited to, all defenses authorized by Rule 12 of the Federal Rules of Civil Procedure, and without waiving any other defenses, objections, or counterclaims in response to Plaintiff’s Original Petition, respectfully removes to this Court the state-court case described below, and avers as follows:

1.

Standard has been named as defendant in a civil suit filed in The County Civil Court at Law No. Two (2), Houston, Harris County, Texas, entitled, “Robert Claxton Barlow v. The Standard Fire Insurance Company,” and bearing case No. 1081128 (“the lawsuit”).

2.

Plaintiff, Robert Claxton Barlow (“Plaintiff”), filed Plaintiff’s Original Petition, Request for Disclosure and Request for Production on August 5, 2016.

3.

Standard was served through its agent for service of process, Corporation Service Company, on August 12, 2016.

SUBJECT MATTER JURISDICTION

4.

Jurisdiction of this Court is based upon 28 USC § 1332, as this is a dispute between citizens of different states and involves an amount in controversy in excess of \$75,000, exclusive of interest and costs. Jurisdiction of this Court also is based upon 28 USC § 1333.

5.

This is an Admiralty and Maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure.

REMOVAL OF JURISDICTION

6.

This Court has removal jurisdiction over this suit pursuant to 28 USC § 1332 and 1441, as the suit is an action over which this Court has original jurisdiction pursuant to 28 USC § 1332 which may be removed to this Court pursuant to 28 USC § 1441. It is a civil action in which there is complete diversity of citizenship as to all properly joined parties and the amount in controversy appears to exceed the sum or value of \$75,000, exclusive of interest and costs.

DIVERSITY OF CITIZENSHIP

7.

The forum state is Texas, and according to Plaintiff's Original Petition, Plaintiff is a resident and is domiciled in the State of Texas.

8.

Standard was at the time the lawsuit was filed, and is, a duly authorized foreign insurer organized and existing under the laws of the State of Connecticut with its principal place of business in Hartford, Connecticut.

AMOUNT IN CONTROVERSY

9.

Plaintiff's Original Petition states that he is seeking monetary damages in an amount over \$100,000 but not more than \$200,000, under a marine insurance policy issued by Standard, an insurer, for alleged damages and economic losses sustained by his 1996 Mainship Trawler vessel. See Plaintiff's Original Petition at Paragraphs 6-14.

TIMELINESS OF REMOVAL

10.

This Notice of Removal is filed timely under 28 USC § 1446(b), as it is being filed within 30 days after service of the state-court petition on Defendant, Standard.

REMOVAL PROCEDURE

11.

Pursuant to 28 USC § 1446(a) and Local Rule 81, copies of all process, pleadings, and orders served upon Standard in the suit or attached hereto collectively as Exhibit "A."

12.

Pursuant to 28 USC § 1446(d), Standard will give written notice to Plaintiff by serving on counsel for Plaintiff a copy of this Notice of Removal and, further, will file a copy of this Notice of Removal with the Clerk of Court for The County Civil Court at Law No. Two (2), Houston, Harris County, Texas, promptly after filing of this Notice of Removal. See Exhibit "B."

13.

Standard reserves the right to amend or supplement this Notice of Removal or to urge additional arguments in support of its entitlement to removal of the suit to this Court.

WHEREFORE, Defendant, The Standard Fire Insurance Company, respectfully prays that the action now pending in the County Civil Court at Law No. Two (2), Houston, Harris County, Texas, be removed to this Court and proceed herein.

Respectfully Submitted,

GORDON ARATA MCCOLLAM
DUPLANTIS & EAGAN, LLC

/s/ Charles L. Stinneford

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*Attorneys for Defendant,
The Standard Fire Insurance Company*

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been delivered to all counsel pursuant to the Federal Rules of Civil Procedure via certified mail, return receipt requested on the 12th day of September, 2016.

Mr. H. Brad Parker
H. Brad Parker, P.C.
2180 North Loop West, Suite 510
Houston, TX 77018

***Via E-Filing and
CM/RRR # 7016 0600 0000 56182 3918***

/s/ Charles L. Stinneford

Charles L. Stinneford